

Atty. Dkt. No. 01CR052/KE

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 3, 4 and 5 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-20 are now pending in this application.

In the Claim Objections section of the Office Action, the Examiner objected to claims 3-5 because of informalities. Claims 3-5 have been amended to correct the informalities as suggested by the Examiner, with the exception of one aspect regarding claim 4, discussed in further detail below. Reconsideration and withdrawal of the objection to claims 3, 4 and 5 is respectfully requested.

In the Claim Objections section of the Office Action, the Examiner objected to claim 4, lines 2-3, stating that the claim is unclear because the first and second units are units of a STANAG 5066 communication system and communicate according to STANAG 5066 protocol. However, applicant asserts that components of a STANAG 5066 communication system may communicate using alternative protocols for various functions. Claim 4 positively recites that the units are using the STANAG 5066 protocol. Applicants assert that claim 4 is not unclear for the above reason. Reconsideration and withdrawal of the objection to claim 4 is respectfully requested.

The Section 3 of the Office Action, claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over "Proposal for an ALM Open Architecture" (Fornes) in view of U.S.

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Patent No. 6,646,998 (Räsänen). In the Response to Arguments section of the Office Action, , the Examiner stated:

Applicant argues in pages 5-6 that if the channel were already optimized using the disclosure of Räsänen, there would be no point in re-optimizing the channel using the invention of Fornes. Examiner respectfully disagrees. Channel optimization can occur anywhere during the connection, which including prior to transmission and during transmission, due to unexpected conditions. It is an end-to-end channel optimization. Therefore channel optimization occurs prior to transmission can be re-occurred during transmission due to unexpected results.

Applicant respectfully traverses the Examiner's response. Although the Examiner, having read the present application, has described a reason why re-optimization could occur, neither Fornes nor Räsänen teaches or suggests the re-optimization suggested by the Examiner after the initial set-up. Accordingly, the Examiner has not provided any motivation within the bounds of the prior art for the combination of Fornes and Räsänen.

Further, Fornes teaches away from link optimization until after reception has been established. Fornes specifically teaches that after a failure, when re-establishing a link, the link is not operated in an optimized mode. Specifically, Fornes states that "In this recovery mode, a robust set of parameters shall be selected and a robust algorithm shall be run in order to get back to reception." (Fornes, Page 25/3, Para 1) Further, the abstract of Fornes states that "[t]he Automatic Link Maintenance (ALM) provide the means to change link parameters of an established and ongoing link ..." (Fornes, Abstract) Fornes teaches and suggests that the optimization should occur to ongoing and established links to avoid robustness issues. Fornes teaches away from optimizing during initialization.

Accordingly, it is respectfully submitted that claims 1-20 are patentable over Fornes in view of Räsänen because the combination of these references is improper. Reconsideration and allowance of claims 1-20 is respectfully requested.

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Applicant believes that the present application is now in condition for allowance.  
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a  
telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be  
required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to  
Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of  
papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136  
and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Date February 27, 2006 Respectfully submitted,

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